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**Attorneys for Defendants Polo Ralph Lauren
Corporation; Polo Retail, LLC; Polo Ralph Lauren
Corporation, doing business in California as Polo
Retail Corporation; and Fashions Outlet of America,
Inc.**

**[SEE SIGNATURE PAGE FOR
ADDITIONAL COUNSEL FOR PARTIES]**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANN OTSUKA, an individual and on behalf of
all others similarly situated; JANIS KEEFE, an
individual; CORINNE PHIPPS, and individual;
JUSTIN KISER, an individual; and RENEE
DAVIS,

Plaintiff,
v.

POLO RALPH LAUREN CORPORATION, a
Delaware Corporation; et al.,

Defendants.

Case No. C07-02780 SI

**SUPPLEMENTAL JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT**

Date: March 21, 2008
Time: 2:30 p.m.
Place: Courtroom 10, 19th Floor
Judge: Hon. Susan Illston

1 Pursuant to Federal Rule of Civil Procedure 16 and Local Rules 16-8 and 16-9,
2 Plaintiffs Ann Otsuka, Janis Keefe, Corinne Phipps, Justin Kiser and Renee Davis and
3 Defendants Polo Ralph Lauren Corporation, Polo Retail, LLC, Polo Ralph Lauren Corporation,
4 doing business in California as Polo Retail Corporation, and Fashions Outlet of America, Inc.,
5 respectfully submit their Supplemental Joint Case Management Conference Statement. The
6 parties refer to the Court to their September 19, 2007 and January 25, 2008 Joint Case
7 Management Conference Statements.

8 In this Joint Statement, the parties report progress or changes since the last statement
9 was filed and submit proposals for the remainder of the case development process. (See, Local
10 Rule 16-10(d).)

11 I. PROCEDURAL UPDATE

12 On March 18, 2008, the parties filed a joint stipulation and proposed order seeking the
13 Court's permission to file Plaintiffs' Third Amended Complaint. The proposed Third
14 Amended Complaint dismisses Plaintiff Justin Kiser as a named class representative, revises
15 the scope of the class, and narrows the scope of matters at issue in the case. These amendments
16 were made without consideration, and are designed to conform the pleadings to proof gathered
17 through investigation and discovery.

18 In light of the dismissal of Justin Kiser as a class representative, Plaintiffs requested that
19 Defendants voluntarily dismiss their unrelated counter-claim against Mr. Kiser, without
20 prejudice. Defendants declined to do so. In response, Plaintiffs requested that Defendants
21 stipulate to the remand of the counter-claim to San Francisco Superior Court. Polo will not
22 stipulate to this request, as its counter-claim remains within the supplemental jurisdiction of
23 this Court and arises out of transactions or occurrences that are the subject matter of Plaintiffs'
24 claims. Fed Rule Civ Pro. 13(a).

25 Plaintiffs request that the Court exercise its authority under Federal Rule of Civil
26 Procedure 1441(a), sua sponte, to remand Defendants' cross-claims to the California Superior
27 Court. Polo objects and requests that any such formal request for remand be made in the form
28 of a noticed written motion, with an opportunity for Polo to fully respond in writing.

1 If the Court deems a noticed motion is appropriate, Plaintiffs request a hearing be set at
2 the Court's earliest availability.

3 II. DISCOVERY UPDATE

4 Since the last Case Management Conference, Plaintiffs have taken the depositions of
5 two of Defendants' regional managers. Plaintiffs are scheduled to take the deposition of the
6 former general manager of the San Francisco Polo store on March 21, 2008 in Los Angeles.

7 Defendants took the deposition of Plaintiff Janis Keefe on March 17, 2008, and are
8 scheduled to take the deposition of Plaintiff Renee Davis on March 19, 2008. Polo has
9 repeatedly requested available deposition dates from counsel for Otsuka without adequate
10 response, and is therefore presently noticing Otsuka's deposition for a date in early to mid April
11 2008.

12 These depositions, several of which have been under discussion for several months,
13 were delayed due to scheduling difficulties.

14 A. Plaintiffs' Additional Discovery Proposals.

15 Plaintiffs intend to take the deposition of a former manager of the San Francisco Polo
16 store in Chicago during April, and will coordinate dates for that deposition with Defendants'
17 counsel. Plaintiffs will serve one additional set of written discovery, including interrogatories,
18 requests for production, and requests for admissions within the next two weeks.

19 B. Defendants' Additional Discovery Proposals.

20 Polo intends on serving further written discovery regarding the additionally named
21 plaintiff, Renee Davis, in the next three weeks. Polo never received responses to its state court
22 interrogatories served on Otsuka (served prior to removal), and will serve additional
23 interrogatories on Otsuka and the other named plaintiffs in the next three weeks. Polo may also
24 notice the deposition of one or two other witnesses, depending upon the outcome of further oral
25 and written discovery.

26 III. CLASS CERTIFICATION

27 The Court previously set a hearing on class certification for May 9, 2008, requiring
28 Plaintiffs to file their opening briefs no later than April 4, 2008, with opposition due April 18,

2008 and reply April 25, 2008. Because of discovery scheduling delays, the parties request the class certification hearing date be continued for approximately sixty (60) days, to early July 2008 (with corresponding briefing dates to be continued within the same time frames as presently set).

Mediation shall remain scheduled to occur within forty five days of the Court's ruling on the motion to certify.

IV. PROPOSED PRETRIAL SCHEDULE

A. Plaintiffs' Proposed Schedule.

Exchange expert disclosures/reports	October 2008
Completion of all fact discovery and last day to file any fact discovery motions	October 2008
Deadline for completion of ADR process	Forty-five days after class certification motion ruling.
Filing of Plaintiffs' motion for class certification	June __, 2008
Exchange rebuttal expert disclosures/reports	November 2008
Completion of all expert discovery and last day to file any expert discovery motions	November 2008
Deadline for filing summary judgment motions	September 31, 2008
Final Pretrial Conference	October 2008
Trial	November 2008

B. Defendants' Proposed Schedule.

Completion of all fact discovery	July 31, 2008
Deadline to file any fact discovery motions	July 31, 2008
Exchange expert disclosures/reports	August 31, 2008
Exchange rebuttal expert disclosures/reports	September 31, 2008
Completion of expert discovery	October 31, 2008

1	Deadline to file any expert discovery motions	October 31, 2008
2	Deadline for completion of ADR process	Forty five days after class certification ruling
3	Hearing on Plaintiffs' motion for class certification	July 11, 2008
4	Deadline for filing summary judgment motions	August 31, 2008
5		
6	Final Pretrial Conference	September 2008
7	Trial	November 2008

8
9 DATED: March 19, 2008

THE LAW OFFICE OF PATRICK R. KITCHIN

10
11 By: /s/ Patrick R. Kitchin
PATRICK R. KITCHIN

12 **Attorneys of Janis Keefe, Justin Kiser,**
13 **Corinne Phipps and Renee Davis**

14
15 DATED: March 19, 2008

GREENBERG TRAURIG, LLP

16
17 By: /s/ William J. Goines
18 WILLIAM J. GOINES
JEREMY A. MEIER
19 ALISHA M. LOUIE

20 **Attorneys for Attorneys for Defendants**
21 **Polo Ralph Lauren Corporation; Polo**
22 **Retail, LLC; Polo Ralph Lauren**
23 **Corporation, doing business in California as**
24 **Polo Retail Corporation; and Fashions**
25 **Outlet of America, Inc.**

26
27 DATED: March 19, 2008

THE LAW OFFICES OF DANIEL FEDER

28 By: /s/ Daniel Feder
DANIEL FEDER

Attorneys for Plaintiff

Ann Otsuka

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**Attorneys for Defendants
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ATTESTATION CLAUSE

I, William J. Goines, am the ECF User whose ID and password are being used to file this Supplemental Joint Case Management Conference Statement and Fed.R.Civ.P.26(f) Report. In compliance with General Order 45, X.B., I hereby attest that Patrick R. Kitchen and Daniel Feder have concurred in this filing.

Date: March 19, 2008

GREENBERG TRAURIG LLP

By: /s/ William J. Goines
William J. Goines